

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et  
al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF No. 23905**

(Jointly Administered)

**URGENT CONSENSUAL MOTION  
FOR EXTENSION OF REPLY DEADLINE**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth” or the “Debtor”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Debtor pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),<sup>2</sup> respectfully submit this urgent consensual motion (the “Urgent Motion”) for entry of an order, substantially in the form attached hereto as Exhibit A (the “Proposed Order”), extending the reply deadline established in

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Last Four Digits of Federal Tax ID: 3801) (Last Four Digits of Federal Tax ID: 3801) (Bankruptcy Case No. 19-BK-5523-LTS). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> PROMESA is codified at 48 U.S.C. §§ 2101–2241.

the *Order Scheduling Briefing of Motion for Relief From Stay Respecting Second Cause of Action (Attorneys Fees) in Ares et. al. v. Secretary of Labor After Completion of Conferral Process* [ECF No. 23905] (the “Scheduling Order”) relating to the *Motion for Relief From Stay Respecting Second Cause of Action (Attorneys Fees) in Ares et al v. Secretary of Labor After Completion of Conferral Process* [ECF No. 23894] (the “Motion”), and state as follows:

**Request for Relief**

1. On March 30, 2023, Judith Berkan (“Movant”), counsel to the petitioners (the “Petitioners”) in the case captioned *Ares et al v. Secretario del Trabajo*, Case No. SJ-2017- 02199 (the “Litigation”) filed the Motion, seeking an order modifying the automatic stay pursuant to section 362 of title 11 of the United States Code (the “Bankruptcy Code”) to allow for the second cause of action in the Litigation regarding the payment of Movant’s attorneys’ fees to proceed to final judgment and execution.

2. Pursuant to the Scheduling Order, objections to the Motion were to be filed by April 13, 2023, and replies must be filed by April 20, 2023 (the “Reply Deadline”). Scheduling Order at 1.

3. On April 13, 2023, the Oversight Board filed the *Objection of the Commonwealth of Puerto Rico to Motion for Relief From Stay With Respect to Second Cause of Action (Attorneys Fees) in Ares et al v. Secretary of Labor After Completion of Conferral Process* [ECF No. 23992] (the “Objection”).

4. Movant has informed the Oversight Board that she broke her hand, rendering her unable to type, and will be undergoing surgery next week. Movant requested a three-week extension of the Reply Deadline to allow for her recovery. The Oversight Board consents to the

proposed extension, and requests that the Reply Deadline set forth in the Scheduling Order be extended to **May 11, 2023**.

5. Pursuant to Paragraph 1.H of the *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1] (the “Case Management Procedures”), the Oversight Board certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the issues presented in the Urgent Motion; and has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court.

#### Notice

6. The Oversight Board has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtor’s bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against the Debtor; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;<sup>3</sup> (i) the Movants; and (j) all parties filing a notice of appearance in these Title III cases. A copy of the motion is also available at <https://cases.ra.kroll.com/puertorico/>.

7. The Oversight Board submits that, in light of the nature of the relief requested, no other or further notice need be given.

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<sup>3</sup> The “Other Interested Parties” include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtor; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtor.

**WHEREFORE** the Debtor request the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: April 14, 2023  
San Juan, Puerto Rico

**PROSKAUER ROSE LLP**

/s/ Brian S. Rosen  
Martin J. Bienenstock (*pro hac vice*)  
Brian S. Rosen (*pro hac vice*)

Eleven Times Square  
New York, NY 10036  
Tel: (212) 969-3000  
Fax: (212) 969-2900

-and-

**O'NEILL & BORGES LLC**

/s/ Hermann D. Bauer  
Hermann D. Bauer  
USDC No. 215205  
Carla García-Benítez  
USDC No. 203708  
Gabriel A. Miranda  
USDC No. 306704

250 Muñoz Rivera Ave., Suite 800  
San Juan, PR 00918-1813  
Tel: (787) 764-8181  
Fax: (787) 753-8944

*Attorneys for the Financial Oversight and  
Management Board as representative for the  
Commonwealth*

**Exhibit A**

**Proposed Order**

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et  
al.*,

Debtors.<sup>1</sup>

PROMESA  
Title III

No. 17 BK 3283-LTS

**Re: ECF No. \_\_\_\_\_**

(Jointly Administered)

**ORDER GRANTING  
URGENT CONSENSUAL MOTION FOR EXTENSION OF REPLY DEADLINE**

Upon the *Urgent Consensual Motion for Extension of Reply Deadline*, dated April 13, 2023 (Docket Entry No. \_\_\_\_\_)<sup>2</sup> (the “Extension Motion”);<sup>3</sup> and the Court having found it has subject-matter jurisdiction over this matter pursuant to section 306(a) of PROMESA; and it appearing that venue in this district is proper pursuant to section 307(a) of PROMESA; the Court having found

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<sup>2</sup> All docket entry references are to entries in Case No. 17-3283, unless otherwise specified.

<sup>3</sup> Capitalized terms used but not otherwise defined herein have the meanings given to them in the Extension Motion.

that the Oversight Board provided adequate and appropriate notice of the Extension Motion under the circumstances and that no other or further notice is required; and the Court having reviewed the Extension Motion; and the Court having determined that the factual bases set forth in the Extension Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is hereby ORDERED that:

1. The Extension Motion is GRANTED as set forth herein.
2. The Scheduling Order shall be modified as provided herein.
3. The deadline for the Movant to file a reply shall be extended to **May 11, 2023**.
4. The Court will thereafter take the Motion on submission.
5. This Order resolves Docket Entry No. \_\_\_\_\_ in Case No. 17-3283.

SO ORDERED.

Dated: April \_\_\_, 2023

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LAURA TAYLOR SWAIN  
United States District Judge